

Arrest and Release of Members

Announcement

Mr. SPEAKER.—I have some announcements to make. I have received the following communications regarding the arrest and release of certain Members of the House during inter-Session period :

1. From the Superintendent of police, Belgaum, dated 25-11-1970, that Sri P. B. Nandihali, Member, Legislative Assembly, was arrested on 25-11-1970 under Section 71, Mysore Police Act, and was released on the same day.

2. From the Commissioner of Police, Bangalore City, dated 7th December 1970, that Sri Vatal Nagaraj, Member, Legislative Assembly was arrested on 7-12-1970 under Sections 94 and 92 (o) and (r), Mysore Police Act and was released on the same day.

Leave of Absence—To Sriyuths S. Gopala Gowda and V. Nagappa.

Mr. SPEAKER.—I have received a letter from Sri S. Gopala Gowda, Member, Legislative Assembly, requesting for leave of absence from attending the current sittings of the Assembly due to ill-health.

I have also received a letter from Sri V. Nagappa, Member, Legislative Assembly, requesting for leave of absence from attending the current sittings of the Assembly due to ill-health.

Is it the pleasure of the Assembly that permission be granted to Sriyuths S. Gopala Gowda and V. Nagappa for remaining absent from the meetings of the current session of the Assembly ?

Hon. MEMBERS.—Yes.

Mr. SPEAKER.—Leave to remain absent is granted to both the hon. Members.

Sri M. S. KRISHNAN (Malleswaram).—If it is the duty of the police to submit the names of those hon. Members who have been arrested, unfortunately my name has been omitted.

Mr. SPEAKER.—Probably through oversight it has not been brought before the House. I shall find out and make an announcement tomorrow.

Notice of adjournment motions *re* : Law and Order situation in the State.

Mr. SPEAKER.—I have received notice of adjournment motions from four hon. Members, *viz.*, Sriyuths : Nagappa, H. Siddaveerappa,

Leader of the Opposition, P. R. Nandihalli and B. B. Sayanak. They refer to the law and order situation as a result of certain incidents which have taken place in the wake of the report of the Mahajan Commission, being placed before the Houses of Parliament. I would like to hear them before giving a decision.

ಶ್ರೀ ಎಚ್. ಬಿ. ಜ್ವಾಲನಯ್ಯ (ಹಾಸನ).—ಈಗ ನಡೆಯುತ್ತಾ ಇರುವ ಈ ಸಭೆಯಲ್ಲಿ ನಿಲುವಳಿ ಸೂಚನೆಗೆ ಅವಕಾಶವಿದೆಯೇ ?

ಅಧ್ಯಕ್ಷರು.—ನಿಲುವಳಿ ಸೂಚನೆ ಬಂದರೆ ಅದರ ಮೇಲೆ ತೀರ್ಮಾನ ಮಾಡಬೇಕಾಗುತ್ತದೆ.

ಶ್ರೀ ಎಚ್. ಬಿ. ಜ್ವಾಲನಯ್ಯ.—ಇದನ್ನು ಯಾವುದೋ ಒಂದು ಉದ್ದೇಶಕ್ಕಾಗಿಯೇ ಕರೆದಿರುವುದು, ಹಾಗಿರುವಾಗ ಇದಕ್ಕೆಲ್ಲ ಅವಕಾಶವಿದೆ ?

Mr. SPEAKER.—When hon. Members table a motion, have to dis-
pose it of.

ಶ್ರೀ ಎಚ್. ಬಿ. ಜ್ವಾಲನಯ್ಯ.—ಆರ್ಡಿನೆನ್ಸ್‌ನ ಸಭೆಯ ಮುಂದೆ ಇಡುವುದಕ್ಕೆ ಅವಕಾಶ
ವಿದೆಯೇ ಹಾಗಾದರೆ.....

Mr. SPEAKER.—As regards ordinances, it is a constitutional requirement they should be placed before the House. From the Govern-
ment side as well as from the other side, they are not going to be
pressed and they are not going to be taken up during this session.

ಶ್ರೀ ಎಚ್. ಸಿದ್ದವೀರಪ್ಪ.—ಈ ಎಮರ್ಜೆಂಟ್ ಸೆಷನ್‌ನಲ್ಲಿ ಚರ್ಚೆಗೆ ಬಂದಿರುವ ವಿಚಾರವೇ
ನಿಲುವಳಿ ಸೂಚನೆಯಲ್ಲಿಯೂ ಬಂದಿರುವುದು, ಬೇರೆ ವಿಷಯ ಅಲ್ಲ, ಅದ್ದರಿಂದ ಇದು ಅಪ್ರಕೃತವಾಗಿ
ರಾರದು, ಇಂಟ್ರಿವೆಂಟ್ ಆಗಿರಾರದು ಎಂದು ನನ್ನ ಅಭಿಪ್ರಾಯ.

† Sri VEERENDRA PATIL (Chief Minister).—Sir, they have tabled
some adjournment motions and I have also seen copies of the adjourn-
ment motions they have tabled. The problems that are now before the
House either in the form of the adjournment motions or in
the form of the motion that I moved yesterday, are anyhow
going to come up for discussion. I moved a motion on behalf
of the Government and I wanted to initiate the discussion because it is
a very delicate matter and we are passing through a crisis. So, in this
delicate situation, it was expected of the Leader of the House to initiate
the discussion. I do not want to stand in the way of the hon. Members
moving their adjournment motions because the Chair has permitted
them. They have every right to have their say in the matter. While
speaking on the adjournment motions, if they start a discussion, then
the very object of my initiating the discussion will be defeated, I wanted
to initiate the discussion and to say something as to the lines on which
the discussion in this House should take place because the eyes of the
people of the entire State are on the deliberations of this Assembly and
they are watching what is happening every day and what the Assembly
is going to decide. When this is the state of affairs, when we are
facing a very delicate situation, it is for the Chair to consider whether
it is worthwhile to have any speech on the adjournment motions
because members on both sides agree that the subject matter is one and

† Indicates that remarks or speeches have not been revised by the
member concerned.

(SRI VEERENDRA PATIL)

the same. When the subject matter is one and the same, after I initiate the discussion they have got full liberty to say whatever they want. There is no controversy about the acceptance or otherwise of the adjournment motions because it is so obvious that these incidents are anyhow going to be discussed during the course of the debate. So, I make an appeal to the hon. Members through you. I took the responsibility of initiating the discussion because this is a delicate matter and I want to say in a very, very balanced way whatever I want to say. When emotions are being aroused outside and people are irritated is this hour of crisis, it is the responsibility of this august House to give a proper lead. When such a situation is there, I leave it to the hon. Members who have tabled the adjournment motions and also to the Chair to think over the matter.

Sri H. SIDDAVEERAPPA.—Sir, so far as the adjournment motions are concerned, you will see that they refer to the incidents of violence that have happened in North Karnataka districts during the last two or three days. The adjournment motions point out how some incidents have taken place and how by giving a political slant, certain organisations and interests are made the target of attack. That is why I have already told you, Sir, that it is open to you either to allow or reject them in your wisdom. Now, we would like our adjournment motions to go on record so that when the motion is moved I would request my hon. Friend Sri Channabasappa to make a very brief reference to it. I am anxious it should go on record as an adjournment motion given notice of by this side.

†ಶ್ರೀ ಎಂ. ನಾಗಪ್ಪ (ರಾಯಚೂರು).—ಮಾನ್ಯ ಮುಖ್ಯಮಂತ್ರಿಗಳು ಜನತೆಯ ರಕ್ಷಣೆ ಮತ್ತು ಅವರ ರಕ್ಷಣೆ ಮತ್ತು ಅವರ ಆಸ್ತಿಯ ರಕ್ಷಣೆ ಇವೆಲ್ಲದರ ಬಗ್ಗೆ ಯಾವ ಕ್ರಮ ತೆಗೆದು ಕೊಂಡಿದ್ದಾರೆ ಎಂಬುದನ್ನು ಹೇಳಿದರೆ ನನ್ನ ನಿಲುವಳಿ ಸೂಚನೆಯನ್ನು ಒತ್ತಾಯ ಮಾಡಬೇಕೆಂಬ ಉದ್ದೇಶ ನನಗೆ ಇಲ್ಲ. ಜನತೆಯ ಆಸ್ತಿ ಮತ್ತು ಅವರ ಜೀವ ರಕ್ಷಣೆ ಮಾಡುವುದು ಸರ್ಕಾರದ ಕರ್ತವ್ಯ. ಅದರ ಬಗ್ಗೆ ಯಾವ ಕ್ರಮ ತೆಗೆದುಕೊಂಡಿದ್ದಾರೆ ಎಂಬುದನ್ನು ಮಾನ್ಯ ಮುಖ್ಯ ಮಂತ್ರಿಗಳು ಅವರ ಹೇಳಿಕೆಯಲ್ಲಿ ಕೊಟ್ಟರೆ ನಾನು ನನ್ನ ನಿಲುವಳಿ ಸೂಚನೆಯನ್ನು ಪ್ರೆಸ್ ಮಾಡುವುದಿಲ್ಲ ಎಂದು ತಮ್ಮ ಮೂಲಕ ಹೇಳುತ್ತೇನೆ.

†Sri H. M. CHANNABASAPPA.—Sir, the point at issue is quite different from what the Hon. Chief Minister tried, to make out. The question of consideration of the problem arising out of the reference of the Mahajan Commission's Report to Parliament is entirely different from the question of maintenance of law and order in the State. My adjournment motion pertains exclusively to the failure, in duty and in action, on the part of the Home Ministry in giving necessary protection for the life and property, not only private property but also public property in the State. Maintenance of law and order is the basic thing for the development and growth of democracy without which no democracy can survive.

One another point involved here is that the Government has become a party to the violative activities that are taking place. Some

of these activities are directed only against a particular section of the political party, not only the members of the political party but also against organisations like the Congress offices, Samyukta Vishal Karnataka with which the members of the party have direct connections.

Sir, the Hon. Leader of Opposition was pleased to state that to give permission or not is exclusively in your discretion. While agreeing with that, I would like to submit to you that where there is a fit case for an adjournment motion, even that discretion cannot go against the admission of the adjournment motion. Where my adjournment motion or of any other hon. Members satisfies the provisions contemplated under rule 50 of the Rules of Procedure, unless there is something repugnant to it, the Speaker shall give permission and admit the adjournment motion. I do not like to embark upon the details of the motion which I propose to move. But the explanation of the Hon. Chief Minister was probably intended to satisfy the Members of this House who have moved the motions and make room for his motion to be moved. But, I for one, Sir, would press first priority for maintenance of law and order in the State and for a sense of duty with a sense of urgency on the part of the Home Ministry to give protection to the life and property of the people. Here is a case, as usual, with this Government, wherein it has failed in its duty and has taken to the strategy of inaction particularly making use of some of these issues as pawns in the political game. It is with that end in view, I have tabled my adjournment motion and it is a matter of urgent public importance and there are a number of points on which I would like to enlighten this House and the whole Country. I would therefore request the Hon. Speaker not to curtail the privileges of this House in moving an adjournment motion on a fit case of this kind. In my humble opinion, there cannot be any adjournment motion which is more important and fit than this.

†Sri P. B. NANDIHALI (Uchagaon).—Sir, I had given notice of an adjournment motion yesterday and my problem is quite different from others. When the Mahajan Commission's Report has been placed before Parliament for discussion, it is very unfortunate that the Mysore Government and some political parties in Mysore State are trying to instigate the people in the State particularly in the border areas. Due to this life and property of the Marathi people and institutions in the border areas are in danger. Taking into consideration the life and property of the Marathi people and their institutions in the Mysore State, my adjournment motion is very important and therefore I press that my adjournment motion be taken up in this House immediately.

†Sri B. B. SAYANAK (Belgaum).—Mr. Speaker, Sir, regarding my adjournment motion, I do not want to say anything at this Stage. In the border areas of our State, the police have failed in their duty and the Government has also not done any justice to the Marathi people and their institutions. The target of the Kannada people here in Mysore

(SRI B. B. SAYANAK)

State is only the Central Government property and the property of the Marati people. Therefore, I request that you may kindly allow my adjournment motion to be taken up.

Mr. SPEAKER.—I assure the hon. Members Sri Sayanak, Sri Nandihali, and others that they have every right to stay in Belgaum and move anywhere in the State.

Now, I have heard the hon. Members in support of the admissibility of their adjournment motions. Hon. Members know that this special session was called to consider a very emergent situation arising out of the reference of the Mahajan Commission's Report to Parliament. In my view, there can be nothing more important to take precedence over this supreme and urgent issue. Further, hon. Members are aware that these violent demonstrations are only a reaction of the people to the action taken by the Union Government in placing the Report of the Commission before the Parliament.

12-30 P.M.

Sri D. DEVARAJ URS.—Are you justifying the action taken by the Government? I am sorry this is not the attitude that the Speaker should adopt.

Mr. SPEAKER.—I am not at all justifying. Personally speaking, I am against all violence, whatever party might support it. The point I am making is that the disturbance is interlinked with the issue that is brought up before the House and these two things cannot be separated.

Sri N. CHIKKE GOWDA.—You are mentioning about violence. Do you take up the responsibility for violence? There is Government to look after it.

Mr. SPEAKER.—I am not blaming anybody here.

Sri D. DEVARAJ URS.—It is the responsibility of the Government. Are you holding a brief on behalf of the Government? As Speaker, you have to be impartial. You should hold the scales of justice even.

Mr. SPEAKER.—Unnecessarily, the Hon. Member is getting excited.

Sri. D. DEVARAJ URS.—You are also unnecessarily exciting us.

Mr. SPEAKER.—Hon. Members may make reference to the incident in the course of discussion on the motion on hand. No separate motion is required to discuss the incidents. Under Rule 52 (vi), the motion shall not anticipate a matter which has previously been appointed for consideration. Members are entitled to make reference to the incidents and give guidance to people outside.

Sri K. H. PATIL (Hubli).—There is also an allegation that Government has a scheme to suppress the opponents in the name of the Mahajan Commission's report. This has to be considered.

Mr. SPEAKER.—In view of the reasons explained by me, I cannot give consent to the adjournment motions.

Sri P. B. NANDIHALI.—You have curtailed our rights. As a protest, I walk out.

(Sriyuths P. B. Nandihali, B. B. Sayanak, N. B. Sirdesai withdrew)

Sri H. M. CHANNABASAPPA.—It is a well known proposition that the Speaker shall not take sides in Parliamentary Democracy. The duties of the Speaker are defined in the Rules of procedure. He has to maintain discipline in the House and conduct the business of the House. Since yesterday, we have been seeing that you are holding brief in favour of the Government. Your Goodself said that the Chief Minister will explain all these things. It is open to the Chief Minister whether to explain or not. I am asking why do you presume things that the Chief Minister is going to make reference to all these things. From yesterday, you were telling that two things are inseparable. It is an expression of opinion. I am sure you will agree with me that nowhere in the world, the Speaker can express his opinion on a subject in dispute between the Government and the opposition. Therefore, it is not in order for you to express your opinion or undertake the job of interpreting the Government's intention and make an explanation that the Government is going to explain all these things.

Mr. SPEAKER.—There is no point of order. Hon. Member seems to have misunderstood the Chair. I have absolutely no intention to take sides. I do not want to express any opinion in the matter.

Sri H. M. CHANNABASAPPA.—When you say, it was not your intention to express any opinion and you are not taking sides, I withdraw my point of order.

† ಶ್ರೀ ಎಚ್. ಎನ್. ನಂಜೇಗೌಡ (ಅರಕಲ್‌ಗೂಡು).—ನಾನು ತಮ್ಮ ರೂಲಿಂಗನ್ನು ಪ್ರಶ್ನೆ ಮಾಡುವುದಕ್ಕೆ ನಿಂತಿಲ್ಲ. ತಾವು 52 ನಡ್ ರೂಲ್ (vi) ಪ್ರಕಾರ ರೂಲಿಂಗ್ ಕೊಟ್ಟಿದ್ದೀರಿ. ಈಗ ತುರ್ತು ಅಧಿವೇಶನವನ್ನು ಕರೆದಿರತಕ್ಕದ್ದು ಮಾನ್ಯ ಮುಖ್ಯಮಂತ್ರಿಗಳು ಇಚ್ಛಿರತಕ್ಕೆ ನಿರ್ಣಯದ ಮೇಲೆ ಪ್ರಸ್ತಾಪ ಮಾಡುವುದಕ್ಕೆ ಬುದಾಗಿ ತಾವು ಅಪ್ಪಣೆ ಕೊಡಿಸಿದ್ದೀರಿ. ಆದರೆ ನನ್ನ ಕ್ರಿಯಾ ರೋಪ ನಿಮ್ಮ ರೂಲಿಂಗ್ ಅಪ್ಪೊಂದು ಸಮಂಜಸವಾಗಿಲ್ಲವೆಂಬುದು. ಅದನ್ನು ತಾವೂ ಕನ್ಸಿಡರ್ ಮಾಡಿ. ಈ ತುರ್ತು ಅಧಿವೇಶನವನ್ನು ಕರೆದಿರತಕ್ಕದ್ದು ಪ್ರಾಮುಖ್ಯವಾಗಿ ಈ ಸಭೆಯಲ್ಲಿ ಒಂದು ಒಮ್ಮತವಾದಂಥ ತೀರ್ಪನ್ನು ತೆಗೆದುಕೊಳ್ಳುವುದಕ್ಕೆ ಮತ್ತು ಮಹಾಜನ್ ಕಮಿಷನ್ ವರದಿಯನ್ನು ಪಾರ್ಲಿಮೆಂಟ್ ಮುಂದೆ ಮಂಡಿಸಿರುವ ಬಗ್ಗೆ ಏನು ಮಾಡಬೇಕೆಂಬುದಕ್ಕೆ ಎಂದು ನಾನು ಭಾವನೆ ಮಾಡಿದ್ದೇನೆ. ಈಗ ತಮ್ಮ ಅನುಮತಿ ಪ್ರಕಾರ ಈ ಅಡ್ವರ್ನ್‌ಮೆಂಟ್ ಮೋಷನ್ ನು ಪ್ರಸ್ತಾಪ ಮಾಡುವುದಕ್ಕೆ ಹೋದಾಗ, ಅಗ ಸರ್ಕಾರದವರನ್ನು ನಾವು ಟೀಕೆ ಮಾಡಬೇಕಾಗುತ್ತದೆ. ಈ ಮೋಷನ್ ನಲ್ಲಿ ಒಮ್ಮತ ಇದೆ ಎಂದು ಹೇಳಬೇಕಾದರೆ, ಕೇಂದ್ರ ಸರ್ಕಾರದ ರೈಲನ್ನು ಸುಟ್ಟಿದ್ದು ಸರಿ ಎಂದು ಒಪ್ಪಿಕೊಳ್ಳಬೇಕಾಗುತ್ತದೆ; ಮತ್ತು ಇದರಿಂದ ದೇಶಕ್ಕೆ ಉಂಟಾದ ನಷ್ಟ ಸರಿ ಎಂದು ಒಪ್ಪಿಕೊಳ್ಳಬೇಕಾಗುತ್ತದೆ. ಆದ್ದರಿಂದ ಅಡ್ವರ್ನ್‌ಮೆಂಟ್ ಮೋಷನ್ ನು ಅರೋಪ ಮಾಡದಿದ್ದರೂ ಪರವಾಗಿಲ್ಲ, ಆದರೆ, ಅದನ್ನು ಕೂಡ ಇವರಲ್ಲಿ ಪ್ರಸ್ತಾಪ ಮಾಡಬಹುದೆಂದು ಹೇಳುವುದು ಸರಿಯಲ್ಲ; ಮತ್ತು ಸಮಂಜಸವೂ ಅಲ್ಲ. ಅದರಿಂದ ಮುಖ್ಯಮಂತ್ರಿಯವರ ನಿರ್ಣಯದಲ್ಲ ಪ್ರಸ್ತಾಪ ಮಾಡುವ ಹಾಗಿಲ್ಲ; ಮತ್ತು ಮೋಷನ್ ನಲ್ಲಿ ಕೈಗೊಳ್ಳುವ ತೀರ್ಮಾನದ ರಾಗಲ ಇರುವಂತಹ ತೂಕ ಕಡಿಮೆಯಾಗುತ್ತದೆ. ಆದ್ದರಿಂದ ಅದನ್ನು ಮುಖ್ಯಮಂತ್ರಿಯವರ ನಿರ್ಣಯದಲ್ಲಿ ಪ್ರಸ್ತಾಪ ಮಾಡುವ ಹಾಗಿಲ್ಲ; ಮತ್ತು ಅದನ್ನು ಬೇರೆ ರೀತಿಯಲ್ಲಿ ಡಿಸ್ಪೋಸ್ ಮಾಡಬಹುದೆಂದು ಹೇಳುತ್ತೇನೆ.

Mr. SPEAKER.—I have already explained my position. I do not think there is any force in the point of order.

Motion re: Situation arising out of Placing of Report of the Commission on Maharashtra-Mysore-Kerala boundary dispute before Parliament.

Sri VEERENDRA PATIL (Chief Minister).—Sir, I move :

“That the situation arising out of placing of the report of the Commission of Maharashtra-Mysore-Kerala boundary dispute before the two Houses of Parliament on 18th December 1970, be taken into consideration.”

Mr. SPEAKER.—Motion moved :

“That the situation arising out of placing of the report of the Commission on Maharashtra-Mysore-Kerala boundary dispute before the two Houses of Parliament on 18th December 1970, be taken into consideration.”

There are a number of substitute motions. The first motion is in the name of Mr. Nagappa. He may move the motion.

Sri P. B. NANDIHALI.—Sir, I rise to a point of order. My point of order is that the motion of the Chief Minister is unwanted in this House.....

Sri S. M. GUREDDI (Muddebihal).—Under what rule, he is raising the point of order, Sir? It should not be permitted.

ಶ್ರೀ ಮಹದೇವ್ ಜಿ. ಬಣಕಾರ್.—ಸ್ವಾಮಿ, ತಾವು ಮಾತನಾಡುವುದಕ್ಕೆ ಅವಕಾಶ ಕೊಡ ದಿದ್ದಾಗ ಪಾಯಿಂಟ್ ಆಫ್ ಆರ್ಡರ್ ಎಂದು ಎದ್ದು ನಿಂತುಕೊಳ್ಳುತ್ತಾರೆಂದು ನನಗೆ ಗೊತ್ತಾಯಿತು. ಅವರು ಮೊದಲು ಯಾವ ರೂಲ್ ಪ್ರಕಾರ ಪಾಯಿಂಟ್ ಆಫ್ ಆರ್ಡರ್ ಎತ್ತುತ್ತಾರೆಂಬುದು ಇತ್ಯರ್ಥವಾಗಬೇಕು.

Sri P. B. NANDIHALI.—Under Rule 311 (2).

Sri M. NAGAPPA.—Let him say what rule has been contravened. The Chief Minister has simply moved the motion. Let us know whether there is any breach of any rule by the Chief Minister. Rule 311 is a general rule.

Sri P. B. NANDIHALI.—Sir, the Parliament has every right to discuss.....

Sri S. M. GUREDDI.—Who are we to question the right of Parliament? Who are we to talk about Parliament here?

Sri P. B. NANDIHALI.—Sir, the Chief Minister is challenging the supreme powers of Parliament. This border issue is a long-standing question.....

Sri M. RAMAPPA (Hosadurga).—The Hon. Speaker cannot permit any point of order to be raised in a vacuum. A point of order cannot